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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,755	12/21/2001	Eugenio Martinez-Uriegas	38P.1020	3061
5514	7590	12/14/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			COUSO, JOSE L	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2621

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/023,755	<b>Applicant(s)</b> MARTINEZ-URIEGAS ET AL.	
	<b>Examiner</b> Jose L. Couso	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/21/01</u> . | 6) <input type="checkbox"/> Other: ____.  |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-10 and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Cornog et al. (U.S. Patent No. 6,330,369).

With regard to claim 1, Cornog describes selecting more than one image from a plurality of images, and creating a composite image which comprises the selected images (see figure 7, element 164 and refer for example to column 8, lines 3-6), wherein, for at least one of the selected images, lossy compression of the composite image results in improved compressibility (refer for example to column 8, lines 16-28, the higher compression factor used in the composite image yields improved compressibility for simple images, Cornog is using lossy compression as discussed for example in column 4, lines 45-47).

As to claim 2, Cornog describes wherein improved compressibility is determined at least in part by comparing an image's compressibility when compressed separately and the image's compressibility when compressed as part of the composite image (refer for example to column 8, lines 54-62).

In regard to claim 3, Cornog describes compressibility is determined at least in part on an aggregate improvement, which is an aggregate of an improvement measure associated with each of the selected image (refer for example to column 7, line 63 through 8, line 45, Cornog states that there will be little adjustment made to sequences of images and thus there will be an aggregate improvement when using a limit factor for a complex image on simple images).

With regard to claim 4, Cornog describes wherein image selection is determined based at least in part on the aggregate improvement (refer for example to column 7, lines 12-25, a minimum limiting factor is used).

As to claim 5, Cornog describes wherein image selection is based at least in part on achieving some number of images whose composite compressibility value is greater than its individual compressibility value (refer for example to column 8, lines 42-45, a maximum limiting factor is used).

In regard to claim 6, Cornog describes wherein selecting a plurality of images further comprises: obtaining, for each of the plurality of images, an individual compressibility value that specifies a measure of quality resulting from separately compressing the image at a given rate of compression, and selecting from the plurality

of images based at least in part on the individual compressibility value (refer for example to column 5, lines 32-57 and column 8, lines 16-41).

With regard to claim 7, Cornog describes wherein image selection is further based on image size (refer for example to column 4, line 66 through column 5, line 3).

As to claim 8, Cornog describes wherein image selection is further based on composite image size (see figure 7, elements 164, 172 and 174 and refer for example to column 8, lines 9-12).

In regard to claim 9, Cornog describes wherein each image is compressed using more than one compression rate, and wherein more than one individual compressibility value is associated with each image (refer for example to column 7, lines 26-50).

With regard to claim 10, Cornog describes wherein a compression rate is identified for the composite image based on the individual compressibility values associated with the selected images (refer for example to column 8, lines 16-41).

In regard to claim 13, Cornog describes determining a minimum compression rate for the composite image (refer for example to column 7, lines 12-25).

With regard to claim 14, Cornog describes an apparatus for use in lossy compression of image data, said apparatus comprising means for performing the functions specified in claims 1 to 13 (refer for example to column 8, line 63 through column 9, line 2).

As to claim 15, Cornog describes a program memory for storing process steps executable to perform the method according to any of Claims 1 to 13 ; and a processor

Art Unit: 2621

for executing the process steps stored in said program memory (refer for example to column 8, line 63 through column 9, line 2).

In regard to claim 16, Cornog describes computer-executable process steps stored on a computer readable medium, said computer-executable process steps for use in lossy compression of image data, said computer-executable process steps comprising process steps executable to perform a method according to any of claims 1 to 13 (refer for example to column 8, line 63 through column 9, line 2).

3. Claims 11-12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boon ('158) and ('249), Zeng et al., deQueiroz et al., Chan et al., Zeinch and Queiroz all disclose systems similar to applicant's claimed invention.

Art Unit: 2621

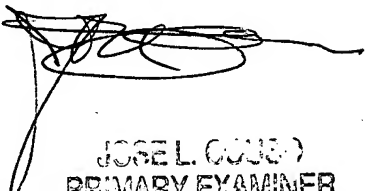
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jose L. Couso whose telephone number is (703) 305-4774. The examiner can normally be reached on Monday through Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8576.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jlc  
December 5, 2004



JOSE L. COUSO  
PRIMARY EXAMINER